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EXHIBIT B - CONDITIONS OF APPROVAL Schmitz Minor Use Permit DRC2015-00109

Approved Development

1. This approval authorizes the following development:
 - a. Demolition of one existing unoccupied dwelling on-site.
 - b. Site work and construction of a 9,100 square-foot (sf) general retail store and related site infrastructure, including associated parking, landscaping, lighting, and storm drainage.
 - c. A maximum height of 27 feet from average natural grade.

Conditions required to be completed to issuance of demolition permits

Air Quality

2. **AQ-1 Prior to issuance of a demolition permit**, the project proponent shall demonstrate compliance with applicable provisions of the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHA).

Biological Resources

3. **BR-12 Prior to issuance of demolition permit and within 15 days prior to initiation of demolition** of the existing structure, the applicant shall retain a County-qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct a pre-demolition survey for sensitive bat species, including pallid bat, within the existing structure and project site. The biologist shall submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any sensitive bat activity within the project limits.

Conditions required to be completed at the time of application for construction permits

Site Development

4. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, storm water/drainage plan, and landscape plan. Fencing and screening shall be consistent with Section 22.10.080.
5. **At the time of application for construction permits**, the applicant shall provide details on all proposed exterior lighting. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

6. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

7. **At the time of application for construction permits**, the applicant shall provide a letter from San Miguel Community Services District stating they are willing and able to service the property.

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Water

8. **W-1 At the time of application for construction permits**, the applicant shall submit a landscape and irrigation plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. All landscaping shall be drought tolerant and use drip irrigation for watering purposes.

Access

9. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 22.54.030 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile for widening **K Street and 9th Street** to complete the project side of an A-2 urban street section fronting the property. 9th Street improvements shall include a cross gutter and an alley driveway approach.
 - b. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
10. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Drainage

11. **At the time of application for construction permits**, the applicant shall submit complete drainage plans prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.
12. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

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13. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.
14. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Storm Water Control Plan

15. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
16. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Conditions required to be completed prior to issuance of construction permit

Fees

17. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
18. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by Section 22.12.080.F.1, or may defer fee payment pursuant to Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to Section 22.12.080.F.3.

Cultural Resources

19. **CR-1 Prior to issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures; and

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h. Description of monitoring reporting procedures.

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The archaeologist shall verify implementation of the Plan **during construction**. A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy**.

Biological Resources

20. **BR-1 Prior to issuance of construction and/or grading permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **1.58** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy" (see contact information below), would total **\$3,950** based on \$2,500 per acre. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County, and 4:1 mitigation ratio; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **1.58** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **0.68** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.
21. **BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
 - b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
 - c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

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1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known or active kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.
22. **BR-3 Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox"*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-12 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

23. **BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

Water

24. **W-3 Prior to issuance of a construction permit**, the applicant shall obtain an Offset Clearance from the Department of Planning and Building verifying that new net water use has been offset at a 1:1 ratio. Water savings must come from the Paso Robles groundwater basin, and in compliance with the Water Conservation Provisions of Title 19.07.042.

Storm Water Control Plan

25. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Offers

26. **Prior to issuance of construction permits**, the applicant shall offer for dedication to the public right-of-way easements by separate document for a 20-foot radius property line return at the intersection of **K Street** and **9th Street**. Submit the document/s to Public Works for review and approval prior to recordation with the County Clerk.
27. **Prior to issuance of construction permits**, the applicant shall offer for dedication to the public right-of-way easements by separate document for **K Street and 9th Street** road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, sidewalks, driveway aprons, curb returns and other improvements. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

Air Quality

28. **AQ-5** No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Conditions required to be completed during site disturbance and/or construction phase

Air Quality

29. **AQ-2 During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - f. All dirt stock-pile areas should be sprayed daily as needed
30. **AQ-3 During construction activities**. Construction Equipment. The project proponent shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements.
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

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- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
 - f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
 - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - i. Electrify equipment when feasible;
 - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
 - k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
31. **AQ-4** To help reduce sensitive receptor emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operations on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-road Diesel regulation.
- c. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit.

Cultural Resources

32. **CR-2** During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

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33. **During site disturbance and/or construction**, in the event archaeological resources are unearthed or discovered, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be evaluated by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The applicant shall implement the mitigation as required by the Environmental Coordinator.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Biological Resources

34. **BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
35. **BR-6 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
36. **BR-7 During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
37. **BR-8 During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
38. **BR-9 Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
39. **BR-10 During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of

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injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

40. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building inspection. If installed or bonded for, the landscaping shall thereafter be maintained in a viable condition in perpetuity. If landscaping is for screening, such landscape must be maintained to provide the required or better screening in perpetuity.
41. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
42. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Limitation on Use

43. Prior to **final building inspection**, the applicant shall execute a covenant and agreement with the county in a form acceptable to the County Counsel, whereby the applicant agrees, on behalf of himself and his successors in interest to restrict the use of the general retail store at 972 K. Street, such that the building will not be used for any other purpose not specifically authorized by this approval.

Grading, Drainage, Sedimentation and Erosion Control

44. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation

Access

45. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Biological Resources

46. **BR-11 Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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Water

47. **W-2 Prior to occupancy or final inspection**, whichever occurs first, the applicant shall implement the final approved landscape plan.
48. **CR-3 Cultural Resource Monitoring – Completion Report. Upon completion of all monitoring/ mitigation activities, and prior to final inspection/ occupancy**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended measures have been met.

On-going conditions of approval (valid for the life of the project)

Access

49. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the County public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
50. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.
51. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
52. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.